

REMARKS

The present Amendment is being submitted in response to the Office Action dated July 2, 2004. Applicant respectfully traverses the Examiner's findings for the following reasons.

Claims 1-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne in view of Posge. The Examiner admits that the Osborne reference (present Assignee's own art) only discloses a series of syringes that are sandwiched between opposing web materials (i.e., a banded syringe arrangement) and that the reference is completely silent as to the way that the syringes are banded together as well as the particular apparatus that performs such operation.

The Examiner looks to the Posge reference to supply the missing teaching concerning the method and the claimed apparatus. Applicant respectfully submits that the Posge reference is directed to and discloses a technology and apparatus that are substantially different than the present invention and the subject matter set forth in the present claims.

More specifically, Posge discloses a product filler head system that feeds product, in an indexed manner, to an S-cage which receives, holds and guides the product. The product is accumulated by an index pusher such that the product is accumulated into groups of predetermined size. After accumulation, activation of a sweep arm causes the accumulated product to fall through the S-cage to a staging area where it encounters a lug chain that displaces the product. Successive lugs move the collected groups of product across the staging area. A ram assembly is then actuated and strikes the groups of product such that the product groups are displaced through the spring-loaded doors and into individual compartments of a receptacle. Thus, the apparatus merely indexes a predetermined number of products into a group and then advancing this group to a staging area where the product group is contacted by a cam and directed into an individual compartment, where the individual products remain completely detached from one another.

Applicant respectfully traverses this rejection on the grounds that a combination of the two references fails to disclose or even suggest the apparatus and method set forth in the claims. Further, as discussed in more detail below, the Examiner's stated grounds of rejection is completely

silent as to how a combination of these references discloses or suggests the subject matter set forth in the dependent claims. In fact, the dependent claims are not even mentioned in this Office Action.

Applicant has amended claim 1 only to more clearly set forth the present invention, which is directed to a system of banding a plurality of syringe barrels. The system generally includes a feed device, a transfer device and a transport device that moves the syringes to a web application device. The web application device is configured such that it simultaneously applies a first web material to a first face of the syringes and a second web material to a second face of the syringes and then presses the two web materials into contact with the syringes and with one another. Applicant respectfully submits that the Posge reference is completely silent as to the application of two web materials to form a banded structure and in fact, the Posge reference has nothing to do with banding product together. Instead, this reference is only concerned with accumulating product and then using a ram to push grouped product into a compartment of a receptacle. In absolutely no terms does this apparatus function to guide and press web materials onto and around spaced member (syringes).

In fact, the Examiner's own description of the Posge reference is lacking in a number of respects in that the Examiner never mentions that the indexed product items in Posge are ever banded or there was any intent to accomplish such action. The Examiner only contends that an apparatus to band syringes would be obvious in view of the two references and more particularly, in view of the indexing and accumulating machine of Posge and the description of the end result (banded syringes) in the Osborne reference. It is impossible for the Posge reference to accomplish the claimed function nor is it ever intended since the Posge apparatus is not constructed to dispense any web material nor would this be desirable since if the accumulated product in groups were banded together, it is very unlikely that such banded groups of syringes could be advanced through the staging area and contacted by the ram so as to drive the syringes into different, distinct compartments since the ramming action would tear through any web material since the accumulated groups of product in Posge are spaced apart from one another in order to permit the groups of product to drop into the individual receptacles.

Moreover, claim 1 recites that the two web materials are applied against two faces of the syringes. This would also be impossible in the Posge apparatus since even assuming for purposes of argument that the ram assembly was coupled with applying a web material to the accumulated product¹, there is no room on the underside of the staging area for application of a second web material and in fact, the placement of a second web material at this location would interfere with the gravity feed of the product after the spring loaded doors open to permit the accumulated product to be delivered to the receptacles.

In addition, the simultaneous nature of the application of the two web materials is also completely lacking in the Posge reference since this reference does not include the application of two members in a simultaneous manner. Further, an inspection of the product in the Osborne reference would neither indicate nor suggest how the two web materials were applied to the syringes or the timing of this event/operation and therefore, the simultaneous application of the web materials is not disclosed or even suggested by either of the references.

For at least these reasons, Applicant respectfully submits that one or more features set forth in independent claim 1 are neither disclosed nor suggested by the references and therefore, the rejection should be withdrawn.

Claims 2-23 should be allowed as depending from what should be an allowed independent claim 1. In addition, these claims contain allowable subject matter in and of themselves. For example, the details of the feeder rail and the rotary device set forth in claims 8-10 and 13-14 as well as the recited vacuum source, and the nested nature of the transport device (claims 11 and 12) are just a few of the examples of components that are neither disclosed nor suggested in the cited references. There is absolutely no mention of any vacuum source in any of the cited references and therefore, the claimed function of using a vacuum source to carry syringes in rotational pattern from the feed location to the transporter is completely lacking. Similarly, the details of the presses, as set forth in claims 15-19, are completely lacking in the cited references.

¹ There is absolutely no disclosure of the ram functioning in this manner nor is there any suggestion since the application of banding material would be contrary to the patentee's goal of dropping the grouped, accumulated product

The Examiner fails to address this issue and indicate how the ram member in the cited reference is equivalent to the recited presses, including the successive activation of the presses to accomplish the banding action.

Claim 24 has been amended in a similar fashion as independent claim 1 with the additional feature that the simultaneous application of the two web materials occurs at the same syringe location. In other two web materials are simultaneously applied to a syringe that is positioned in one location. Applicant respectfully requests reconsideration and allowance of claim 24 for the same reasons that claim 1 should be allowed.

Claims 25-31 should be allowed as depending from what should be an allowed independent claim 24. In addition, these claims contain allowable subject matter as indicated above in the discussion of other pending claims.

Claim 32 recites a method of banding a plurality of syringes and includes as one of the steps thereof, the activation of a web application device to cause two web materials to be simultaneously applied to faces of the syringes. For the reasons stated above with reference to claim 1, Applicant respectfully contends that one or more steps of the claimed method are neither disclosed nor suggested by the references since the Posge reference has nothing to do with applying a material to the grouped product and in fact, such application would be contrary to the teachings and workings of the Posge device. Reconsideration and allowance of claim 32 are respectfully requested at this time.

through the staging area and into the receptacles below.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: October 7, 2004

Respectfully submitted,

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